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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,244	11/20/2001	Ann De Bolster	BE000021	9645
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
			EXAMINER BROWN, VERNAL U	
			ART UNIT 2635	PAPER NUMBER 10

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/989,244

Applicant(s)

DE BOLSTER ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is responsive to amendment filed February 17, 2003.

#### ***Response to Amendment***

The examiner has acknowledged the amended claims 1-5 and 7-8 and the cancellation of claim 6. The examiner further acknowledged the amended specification and the amended specification will be entered.

#### ***Response to Arguments***

Applicant's arguments filed 2/17/2004 have been fully considered but they are not persuasive.

Regarding applicant argument concerning the transmitting all or a subset of the code data used to form the control signal from the remote control to an electronic device, the reference of Fong et al. is relied upon for teaching transmitting the control data from the remote control to an electronic device and further storing the data in the memory of the electronic device (col. 14 lines 24-32).

Regarding applicant's argument regarding claim 5, Harvey the specific protocol used in a remote control signal is determined by an analysis of the remote control data bit information (col. 4 line 66-col. 5 line 3). The data bit from which the protocol is determined is considered the identifier signal.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. U.S Patent 6160491 in view of Fong et al. U.S Patent 6309275.

Regarding claims 1-2, Kitao et al. teaches an arrangement including a remote control device and at least one electronic device (figure 1), the remote control device having a first memory (106) for storing a set of code data for controlling an electronic device (col. 5 lines 48-50), the remote control device further comprising a signal generator (103) having an input for receiving code data from the first memory (figure 1), the signal generator generating control signal to control signals for controlling at least one electronic device and transmitting the control signals to control an electronic device (col. 5 lines 58-65). Kitao et al. is however silent on teaching a code data output unit having an input for receiving an upload signal which control reading at least a subset of the code from the first memory and transmitting the code burstwise to a data input of a first electronic device. Fong et al. in an art related remote controlled device teaches the use of a household remote control device for controlling an electronic device (col. 8 lines 2-5) and further teaches the remote control transmitting the codes to the electronic device (col. 13 lines 61-64, col. 14 lines 4-6). Fong et al. also teaches the uploading of the code to the

electronic device is initiated by pressing a button which therefore serve to provide the upload signal (col. 14 lines 24-32).

It would have been obvious to one of ordinary skill in the art to have a code data output unit having an input for receiving an upload signal which control reading at least a subset of the code from the first memory and transmitting the code burstwise to a data input of a first electronic device in Kitao et al. as evidenced by Fong et al. because Kitao et al. suggests the use of a remote control unit to transmit control and command codes and to an electronic device and Fong et al. teaches remote control transmitting the codes to the electronic device and also teaches the uploading of the code to the electronic device is initiated by pressing a button which serves to provide the upload signal in order to store the remote control code in the electronic device.

Regarding claims 3-4, Kitao et al. teaches a verification unit (112) connected to the memory and data input and adapted to compare the received data with the stored data (col. 6 lines 20-24) but is silent on teaching comparing the received subset with the subset stored in the second memory and generating a flag if the received subset is not stored. Fong et al. in an art related remote controlled device teaches comparing the received subset with the subset in memory by determining if the subset is valid (col. 14 lines 25-30) and generating flags (yes/no) indicating whether the data is stored in the memory (figure 6).

It would have been obvious to one of ordinary skill in the art to compare the received subset with the subset stored in the second memory and generating a flag if the received subset is not stored in Kitao et al. as evidenced by Fong et al. because Kitao et al. suggests a verification unit (112) connected to the memory and data input and adapted to compare the received data

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with the stored data and Fong et al. teaches comparing the received subset with the subset in memory by determining if the subset is valid and generating flags (yes/no) indicating whether the data is stored in the memory.

Regarding claim 7, Kitao et al. teaches a remote control device comprising:

a first memory (106) for storing a set of code data for controlling an electronic device (col. 5 lines 48-50);

a signal generator (103) having an input coupled to the first memory for receiving the code data generated by the signal generator which first memory is connected to an input of a signal generator (103) to supply the code data to the input, on the basis of said code data, control signals for controlling the electronic device (col. 5 lines 58-65). Kitao et al. is however silent on teaching a code data output unit having an input for receiving an upload signal which control reading at least a subset of the code from the first memory and transmitting the code burstwise to a data input of a first electronic device. Fong et al. in an art related remote controlled device teaches the use of a household remote control device for controlling an electronic device (col. 8 lines 2-5) and further teaches the remote control transmitting the codes to the electronic device (col. 13 lines 61-64, col. 14 lines 4-6). Fong et al. also teaches the uploading of the code to the electronic device is initiated by pressing a button which therefore serve to provide the upload signal (col. 14 lines 24-32).

It would have been obvious to one of ordinary skill in the art to have a code data output unit having an input for receiving an upload signal which control reading at least a subset of the code from the first memory and transmitting the code burstwise to a data input of a first electronic device in Kitao et al. as evidenced by Fong et al. because Kitao et al. suggests the use

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of a remote control unit to transmit control and command codes and to an electronic device and Fong et al. teaches remote control transmitting the codes to the electronic device and also teaches the uploading of the code to the electronic device is initiated by pressing a button which serves to provide the upload signal.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. U.S. Patent 6160491 in view of Fong et al. U.S. Patent 6309275 and further in view of Harvey U.S. Patent 6130625.

Regarding claim 5, Kitao et al. in view of Fong et al. teaches identifying the received remote signal (U.S. Patent 6309275, col. 13 lines 66-67) but is silent on teaching the code data output is adapted to include an identifier which identifies the transmission protocol. Harvey in an art related remote control invention teaches the code data output is adapted to include an identifier that identifies the transmission protocol (col. 4 line 66-col. 5 line 3).

It would have been obvious to one of ordinary skill in the art for the code data output to be adapted to include an identifier that identifies the transmission protocol in Kitao et al. in view of Fong et al. as evidenced by Harvey because Kitao et al. in view of Fong et al. suggests identifying the received remote signal and Harvey teaches the code data output is adapted to include an identifier that identifies the transmission protocol.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. U.S. Patent 6160491 in view of Fong et al. U.S. Patent 6309275 and further in view of Yang U.S. Patent 6133847.

Regarding claim 8, Kitao et al. in view of Fong et al. teaches a remote control transmitting signal to different devices as discussed in the response to claim 1 but is however silent on teaching the remote control is user-configurable. Yang in an art related remote control device teaches a user configurable remote control (col. 9 lines 63-66).

It would have been obvious to one of ordinary skill in the art to have a user-configurable remote control in Kitao et al. in view of Fong et al. as evidenced by Yang because Kitao et al. in view of Fong et al. suggests a remote control transmitting signal to different devices and Yang teaches a user configurable remote control in order to allow the user to configure the remote control to reflect their desired preferences.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period



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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown  
April 21, 2004

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